

JC10 Rec'd PCT/PTO 07 JUL 2005 ^{PC-1}

PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/519,572

Filing Date

December 28, 2004

First Named Inventor

Hermann Grether

Art Unit

Not Yet Known

Examiner Name

Not Yet Known

Attorney Docket Number

SMB-PT121 (PC 03 445 B US)

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/
Incomplete Application

☐

Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a
Provisional Application

☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐

Appeal Communication to Board
of Appeals and Interferences

☐

Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify
below):

Transmittal of Translation of the
Preliminary Examination Report and
English Translation of the
International Examination Report

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

VOLPE AND KOENIG, P.C.

Signature

Printed name

Randolph J. Huis

Date

7/5/2005

Reg. No.

34,626

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Randolph J. Huis

Date

7/5/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Hermann Grether

Application No.: 10/519,572

Filed: December 28, 2004

For: COMPONENT INCORPORATED IN A
PLUMBING SYSTEM

Group: Not Yet Known

Examiner: Not Yet Known

Our File: SMB-PT121
(PC 03 445 B US)

Date: June 27, 2005

**COMMUNICATION RE TRANSLATED
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to Applicant's Duty of Disclosure pursuant to 37 C.F.R. §1.56, enclosed is a translation of the International Preliminary Examination Report from the corresponding International Application. The noted reference was previously submitted.

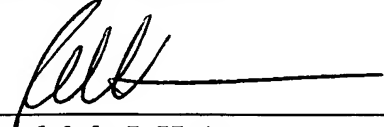
Applicant: Hermann Grether
Application No.: 10/519,572

Prompt examination of the present application is respectfully requested.

Respectfully submitted,

Hermann Grether

By



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RJH/dmm
Enclosure

From the INTERNATIONAL BUREAU

PCT

**NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**
(PCT Rule 72.2)

To:

MAUCHER, Wolfgang
Börjes-Pestalozza, Henrich
Dreikönigstrasse 13
79102 Freiburg i. Br.
ALLEMAGNE

Date of mailing (<i>day/month/year</i>) 26 May 2005 (26.05.2005)	
Applicant's or agent's file reference PC 03 445 B	IMPORTANT NOTIFICATION
International application No. PCT/EP2003/010727	International filing date (<i>day/month/year</i>) 26 September 2003 (26.09.2003)
Applicant NEOPERL GMBH et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Ellen Moyse
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 89 75

Translation

PATENT COOPERATION TREATY

PCT/EP2003/010727



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PC 03 445 B	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/010727	International filing date (day/month/year) 26 September 2003 (26.09.2003)	Priority date (day/month/year) 04 October 2002 (04.10.2002)
International Patent Classification (IPC) or national classification and IPC B05B 1/18		
Applicant NEOPERL GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>6</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 24 March 2004 (24.03.2004)	Date of completion of this report 25 June 2004 (25.06.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/010727

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-20 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____ 1-33 _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/15-15/15 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/10727

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-33	YES
	Claims		NO
Inventive step (IS)	Claims	1-33	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-33	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: US 6 152 182 A

2. The present application meets the requirements of PCT Article 33(1) because the subject matter of claims 1 to 33 is novel (PCT Article 33(2)) and involves an inventive step (PCT Article 33(3)).

2.1 Independent claim 1

2.1.1 Document D1 is considered the prior art closest to the subject matter of independent claim 1 and discloses a sanitary fitting (column 1, lines 7 to 10) which comprises, within a mounting casing (figure 10: 2), a jet splitting device (5) for splitting the flowing liquid current (Pf1) into a number of individual jets (see "holes 7") and a jet regulating device (8) connected downstream of the jet splitting device (5) (figure 10), said jet regulating device (8) comprising at least one insert part that can be inserted in the mounting casing, said insert part having bridges (22, 23) oriented transversely to the direction of flow (Pf1) and

which define therebetween through-flow apertures, the bridges of at least one insert part being arranged in the manner of a grid or network and so as to intersect at junction points (figure 10; column 12, lines 25 to 38).

2.1.2 The problem to be solved by the present invention can therefore be considered that of defining a sanitary fitting for water flow regulation that allows a weaker jet.

2.1.3 The technical problem is solved in that at least one insert part of the jet regulating device is disposed relative to the jet splitting device such that the *individual jets meet at junction points* of the at least one insert part.

2.1.4 The cited prior art contains nothing that would prompt a person skilled in the art to arrange a grid-like insert part such that the individual jets passing through the jet splitting device would meet at junction points of the at least one insert part.

2.2 Claims 2 to 33 are directly or indirectly dependent on independent claim 1 and therefore likewise meet the requirements of PCT Article 33(2) and (3).

Observations:

3. The following amendment should have been made:

3.1 Independent claim 1 should have been drafted in the **two-part form** defined by PCT Rule 6.3(b), since in the present case the two-part form would appear to be appropriate. Accordingly, the features known in

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International application No.

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combination from the prior art (document D1) belong in a preamble (PCT Rule 6.3(b)(i)) and the remaining features in a characterising part (PCT Rule 6.3(b)(ii)).